

REMARKS

Claims 5-7 and 25-33 were pending in this application at the time the present Office Action was mailed (April 1, 2009). In this response, claims 25-27, 31, and 32 have been amended to further clarify certain features of these claims to expedite prosecution, and without prejudice to or disclaimer of pursuing the subject matter of these claims in a continuation, divisional, or other application. Claims 30 and 33 have been canceled without prejudice to pursuing these claims in a continuation, divisional, or other application. New claims 34-39 have been added. Accordingly, claims 5-7, 25-29, 31, 32, and 34-39 are currently pending.

In the present Office Action, pending claims 5-7 and 25-33 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

- (A) Claims 25-29, 31, and 32 stand rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 6,556,711 to Koga et al. ("Koga");
- (B) Claims 5, 6, 30, and 33 stand rejected under 35 U.S.C. § 103(a) over the combination of Koga and U.S. Patent No. 4,996,603 to Kanemitsu et al. ("Kanemitsu"); and
- (C) Claim 7 stands rejected under 35 U.S.C. § 103(a) over the combination of Koga, Kanemitsu and U.S. Patent No. 5,987,221 to Bearss et al. ("Bearss").

As a preliminary matter, the undersigned attorney and his colleague, Aaron Poledna (Registration No. 54,675), wish to thank the Examiner for engaging in a telephone interview on June 9, 2009. During the telephone interview, the parties discussed the claimed subject matter and Koga. The following remarks summarize and expand upon the points discussed during the June 9, 2009 telephone interview. The applicants accordingly request that this paper constitute the applicants' Interview

Summary. If the Examiner notices any deficiencies in this regard, the Examiner is encouraged to contact the undersigned attorney.

A. Response to the Section 102(b) Rejection of Claims 25-29, 31, and 32 (Koga)

Claims 25-29, 31, and 32 were rejected under 35 U.S.C. § 102(b) over Koga. For at least the reasons discussed below, Koga cannot support a Section 102 rejection of claims 25-29, 31, and 32.

Claim 25 is patentable over Koga for at least the reason that this reference fails to disclose or suggest all the claimed features. For example, as discussed during the June 9th telephone interview, Koga does not teach or suggest "identifying the individual area as containing image or text based at least in part on the chosen area background color." In direct contrast with the method of claim 25, Koga describes a process in which all background image segments are extracted from an input image. (Koga, Figure 2, step 2). After extracting all background image segments, the image segments are discriminated to determine whether an image segment includes images or character. (Koga, Figure 2, step 3; see also Figure 11 and col. 14, lines 40-60). Because this discrimination step occurs after all background image segments have been extracted, the background cannot be used to discriminate between images and character. In fact, Koga describes determining whether an image segment includes image or character based on a comparison of pixels with their surrounding pixels. (Koga, Figure 20 and col. 16, line 58 – col. 18, line 49.) As discussed during the June 9th telephone conference, determining whether an image segment includes images or character by comparing pixels with their neighboring pixels does not constitute identifying areas as containing image or text based on a background color, however, for at least the reason that the pixels in Koga's image segments do not contain any background (all the background image segments having already been extracted). Therefore, Koga fails to teach or suggest "identifying the individual area as containing image or text based at least in part on the chosen area background color," as recited in

claim 25. Accordingly, for at least the foregoing reasons, the Section 102 rejection of claim 25 should be withdrawn.

Claims 26-29 depend from base claim 25. Accordingly, the Section 102 rejection of dependent claims 26-29 should be withdrawn for at least the foregoing reasons, and for the additional features of these dependent claims.

Independent claim 31 includes several features generally similar to those of claim 25 (e.g., identifying an area as an image area or a text area based at least in part on a detected area background color). Accordingly, claim 31 is patentable over Koga for at least the reasons discussed above with respect to claim 25, and for the additional features of this independent claim. Therefore, the Section 102 rejection of claim 31 should be withdrawn.

Claim 32 depends from base claim 31. Accordingly, the Section 102 rejection of claim 32 should be withdrawn for at least the foregoing reasons, and for the additional features of this dependent claim.

B. Response to the Section 103(a) Rejection of Claims 5, 6, 30, and 33
(Koga and Kanemitsu)

Claims 5, 6, 30, and 33 were rejected under Section 103(a) over the combination of Koga and Kanemitsu. Claims 30 and 33 have been canceled and, accordingly, the outstanding rejection of these claims is now moot. Independent claim 5 includes several features generally similar to those of claim 25 (e.g., determining whether an area includes an image portion or a text portion based at least in part on a second background color). As discussed above with respect to claim 25, Koga fails to teach or suggest these features. Moreover, Kanemitsu fails to cure the deficiencies of Koga. Accordingly, claim 5 is patentable over the combination of Koga and Kanemitsu for at least the reason that these references, either alone or in combination, fail to disclose or suggest all the claimed features. Therefore, the Section 103 rejection of claim 5 should be withdrawn.

Claim 6 depends from base claim 5. Accordingly, the Section 103 rejection of claim 6 should be withdrawn for at least the foregoing reasons, and for the additional features of this dependent claim.

C. Response to the Section 103(a) Rejection of Claim 7 (Koga, Kanemitsu and Bearss)

Claim 7 was rejected under Section 103(a) over the combination of Koga, Kanemitsu and Bearss. Claim 7 depends from base claim 5. As discussed above, Koga and Kanemitsu fail to disclose or suggest all the features of claim 5. Bearss is relied on in the Office Action for describing a dithering process that comprises a sampling mode dithering. (Office Action, p. 10.) Even assuming for the sake of argument that this is correct (and the applicants expressly do not), Bearss fails to cure the above-noted deficiencies of Koga and Kanemitsu to support a Section 103 rejection of base claim 5. Accordingly, claim 7 is allowable over the combination of Koga, Kanemitsu and Bearss for at least the reason that these references, either alone or in combination, fail to disclose or suggest the features of claim 5, and the additional features of dependent claim 7. Therefore, the Section 103 rejection of dependent claim 7 should be withdrawn.

D. New Claims 34-39

New claims 34-39 have been added to the present application. The subject matter of these claims is supported by the figures and text of the original application. Therefore, these claims do not add any new matter to the application and are fully supported under 35 U.S.C. § 112, first paragraph.

Conclusion

In view of the foregoing, the pending claims comply with the requirements of 35 U.S.C. § 112 and are patentable over the applied art. The applicants accordingly request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (206) 359-6065.

Respectfully submitted,

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Date: June 26, 2009

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